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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

CV8 955P

JOSEPH ANDREW HYLKEMA, a single  
man,

Plaintiff

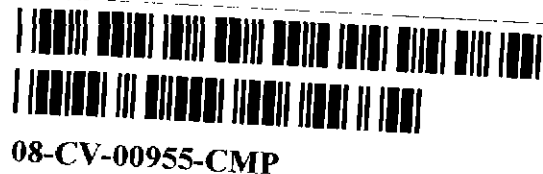
No.

COMPLAINT

v.

STUART ALLAN & ASSOCIATES, INC.  
f/k/a BONDED COLLECTIONS OF  
TUCSON INC., an Arizona  
corporation; RACHELLE STONE and  
JOHN DOE STONE, individually  
and the marital community  
thereof,

Defendants



COMES NOW the plaintiff who, for causes of action set forth  
below, hereby sues defendants above-named (collectively referred  
to as "Defendant" herein) and for his complaint alleges the  
following:

1. NATURE OF ACTION

1.1. This is an action for damages for violations of the Fair  
Debt Collection Practices Act ("FDCPA"), 15 USC § 1692 et seq.,  
the Washington Collection Agency Act ("WCAA"), RCW 19.16 et seq.  
and for declaratory relief pursuant to the Declaratory Judgments

COMPLAINT - 1 OF 8

JOSEPH ANDREW HYLKEMA  
477 PEACE PORTAL DR. #107-244  
BLAINE, WA 98230  
(206) 202-4530  
EMAIL: JOE@HYLKEMA.ORG

SEALED 10/18/08

1 Act, 28 USC § 2201. Plaintiff brings this action in the  
2 capacity of a private attorney general to impose strict  
3 liability upon Defendants for their violations of the FDCPA and  
4 the WCAA.

## 5 2. JURISDICTION AND VENUE

6 2.1. Jurisdiction arises under 28 USC §§ 1331, 1337(a), and 15  
7 USC § 1692k(d). Concurrent jurisdiction over the WCAA claims  
8 arises under 28 USC § 1367. Venue is proper in this Court as  
9 Defendants transacts business here and the conduct complained of  
10 occurred here.

## 11 3. PARTIES AND BACKGROUND

12 3.1. Plaintiff is a *sui juris* adult who has been the subject of  
13 Defendants' debt collection activities that took place within  
14 this district and has been damaged thereby.

15 3.2. Defendant STUART ALLAN & ASSOCIATES, INC. ("SAA"), formerly  
16 known as Bonded Collections of Tucson Inc., is an Arizona  
17 corporation. Its offices and principal places of business are  
18 located at 5447 E. Fifth St. Ste. 110 Tucson, Arizona 85711.  
19 SAA is licensed as a collection agency by the Washington state  
20 Department of Licensing.

21 3.3. SAA has failed to maintain a registered office and  
22 registered agent for service of process within Washington as  
23 required by RCW 23B.15.070. SAA has also failed to establish and  
24 maintain a regular active business office in the state of

1 Washington for the purpose of conducting its collection agency  
2 business as required by RCW 19.16.230(1). Service herein is  
3 therefore made upon the offices of the Honorable Sam Reed,  
4 Secretary of State of Washington pursuant to RCW  
5 23B.15.100(2)(a).

6 3.4. SAA is the assignee of Plaintiff's alleged obligation to  
7 pay money to nonparty Edmonds Community College (the "Alleged  
8 Debt.") The Alleged Debt arose out of transactions primarily  
9 for personal, family, or household purposes.

10 3.5. Defendant Rachelle STONE, sued herein in her personal  
11 capacity, is a *sui juris* adult and employee of defendant SAA.

12 3.6. Defendant John Doe STONE, sued herein in his community  
13 capacity, is, upon information and belief, defendant Rachelle  
14 STONE's spouse.

15 3.7. Upon information and belief, "Rachelle Stone" is not  
16 Defendant STONE's true name but a pseudonym (in industry  
17 parlance, a "desk name") used while attempting to collect debts.  
18 The true identity of the defendants STONE is therefore not  
19 definitively known to Plaintiff at this time and they are  
20 therefore sued herein by such fictitious names. Plaintiff will  
21 ascertain the true identity of the defendants STONE and will  
22 amend this Complaint to reflect the same.

23 3.8. All of defendant Rachelle STONE's conduct complained of  
24 herein was done on behalf of, and in furtherance of, the marital

1 community formed by her and her husband, defendant John Doe  
2 STONE.

3 3.9. Defendant Rachelle STONE was hired, trained, and supervised  
4 using SAA's methods, materials, and personnel. All of Defendant  
5 Rachelle STONE'S conduct complained of herein was done with SAA'  
6 full knowledge, consent, and support; was within the course and  
7 scope of her employment with SAA; and was done in furtherance of  
8 SAA's business.

9 3.10. Defendant SAA's principal business purpose is the  
10 collection of debts. Defendant SAA, and Defendant Rachelle  
11 STONE on its behalf, regularly attempts to collect debts  
12 asserted to be owed or due another using the telephone, mails,  
13 and other instrumentalities of interstate commerce, and did so  
14 attempt to collect the Alleged Debt from Plaintiff.

15 **4. STATEMENT OF FACTS**

16 4.1. Defendant has attempted to collect the Alleged Debt from  
17 Plaintiff through a series of deceptive and harassing phone  
18 calls and messages.

19 4.2. On February 14, 2008 at 8:10 A.M., Defendant left the  
20 following computer generated message on Plaintiff's telephone  
21 recorder:

22 Hello, this call is in regards to a personal business matter.  
23 This is not a solicitation call. Please call 1-800-880-5400  
24 and speak to a representative. Once again, the number is 1-  
800-880-5400. Your reference number is 1968178. Once again,  
your reference number is 1968178.

1 A true and authentic copy of this message accompanies this  
2 Complaint as Audio Exhibit 1<sup>1</sup>.

3 4.3. On February 25, 2008 at 6:20 P.M., Defendant left the  
4 following computer generated message on Plaintiff's telephone  
5 recorder:

6 Hello, this call is in regards to a personal business matter.  
7 This is not a solicitation call. Please call 1-800-880-5400  
8 extension 7268 to speak to a representative. Once again, the  
9 number is 1-800-880-5400 extension 7268. Your reference  
10 number is 1968178. Once again, your reference number is  
11 1968178.

12 A true and authentic copy of this message accompanies this  
13 Complaint as Audio Exhibit 2.

14 4.4. On February 29, 2008 at 12:04 P.M., Defendant STONE left  
15 the following message on Plaintiff's telephone recorder:

16 This message is for Joseph my name is Rachelle I need a return  
17 call 1-800-880-5400 extension 7118 this is referencing file  
18 number 1968178 this is in reference to your driving privileges  
19 so I do need a return call back today.

20 A true and authentic copy of this message accompanies this  
21 Complaint as Audio Exhibit 3.

22 4.5. On April 4, 2008 at 11:46 A.M., Defendant STONE, or a  
23 person acting in concert with her, left the following message on  
24 Plaintiff's telephone recorder: "This message is for Joseph I  
need a return call 1-800-880-5400 extension 7115." A true and

<sup>1</sup> A compact disc with copies of the messages in WAV format accompanies the copies of the Complaint served upon Defendant.

1 authentic copy of this message accompanies this Complaint as  
2 Audio Exhibit 4.

3 4.6. Each call was placed without meaningful disclosure of the  
4 caller's identity and failed to identify that the call was from  
5 a debt collector.

6 4.7. Further, Defendant falsely stated in the February 29 phone  
7 call that the Alleged Debt concerned Plaintiff's driving  
8 privileges when in fact it did not.

9 4.8. Defendant's conduct was persistent, deliberate and in bad  
10 faith.

11 4.9. As a direct and proximate result of Defendant's conduct,  
12 Plaintiff has suffered damages.

13 **5. FIRST CAUSE OF ACTION – VIOLATION OF FDCPA**

14 **COUNT ONE – VIOLATION OF 15 U.S.C. § 1692d(6)**

15 5.1. Defendant's placement of telephone calls without meaningful  
16 disclosure of the caller's identity constitutes harassment and  
17 abuse of Plaintiff. *See, inter alia, Hosseinzadeh v. M.R.S.*  
18 *Associates, Inc.*, 387 F.Supp.2d 1104, 1116 (C.D.Cal. 2005); *Foti*  
19 *v. NCO Fin. Sys., Inc.*, 424 F. Supp. 2d 643, 669 (S.D.N.Y.  
20 2006).

21 **COUNT TWO – VIOLATION OF 15 U.S.C. § 1692e(2)(A)**

22 5.2. Defendant has misrepresented the character and legal status  
23 of the Alleged Debt by falsely claiming that it pertained to  
24 Plaintiff's driving privileges when in fact it did not, and

1 Defendant's misrepresentation would tend to deceive the least  
2 sophisticated consumer.

3 COUNT THREE - VIOLATION OF 15 U.S.C. § 1692e(5)

4 5.3. Defendant has threatened to take action against Plaintiff  
5 that cannot legally be taken, to-wit, suspension or revocation  
6 of Plaintiff's driving privileges, if the Alleged Debt is not  
7 paid.

8 COUNT FOUR - VIOLATION OF 15 U.S.C. § 1692e(10)

9 5.4. Defendant has attempted to collect the Alleged Debt through  
10 false, misleading or deceptive representations and means by  
11 failing to disclose that its phone calls were from a debt  
12 collector.

13 6. SECOND CAUSE OF ACTION - VIOLATION OF WCAA (RCW 19.16.250(15))

14 6.1. Defendant has threatened to take action against Plaintiff,  
15 namely suspension or revocation of Plaintiff's driving  
16 privilege, that could not legally be taken at the time threat  
17 was made.

18 7. PRAYER FOR RELIEF

19 7.1. WHEREFORE, Plaintiff respectfully prays the Court enter  
20 judgment against Defendants, and each of them jointly and  
21 severally, as follows:

22 7.1.1. For the Court to find and declare that Defendants' conduct  
23 herein violated the FDCPA and the WCAA, and

24 7.1.2. For money damages, including actual damages and the


1 maximum statutory, treble and exemplary damages permitted under  
2 the FDCPA and the WCAA, and

3 7.1.3. For costs and fees of the suit, including reasonable  
4 attorney fees in the event that Plaintiff instructs counsel  
5 herein or to enforce any judgment entered herein in this or any  
6 foreign jurisdiction.

7 7.1.4. For an order, pursuant to RCW 19.16.450, barring the  
8 collection of interest, service charges, attorney fees,  
9 collection costs, delinquency charge, or any other fees or  
10 charges otherwise legally chargeable to the Plaintiff on the  
11 Alleged Debt, and

12 7.1.5. For such other and further relief and the Court may deem  
13 just, proper and equitable.

14 DATED: June 19, 2008

15   
S/ Joseph A. Hylkema  
JOSEPH ANDREW HYLKEMA  
16 WSBA: N/A  
17 Plaintiff pro se  
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